

XO Communications

105 Molloy Street  
Nashville, TN 37201  
USA

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OFFICE OF THE  
EXECUTIVE SECRETARY

June 5, 2002

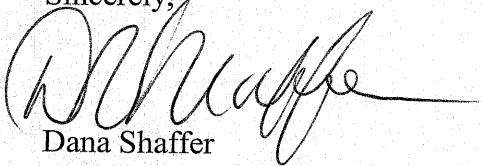
David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Re: *Petition of Tennessee UNE-P Coalition to Open a Contested Case Proceeding to  
Declare Switching an Unrestricted Unbundled Network Element, Docket No. 02-00207*

Dear Mr. Waddell:

Attached please find an original and thirteen copies of Objections of XO Tennessee, Inc.  
to Data Requests of BellSouth Telecommunications, Inc., in the above-referenced docket.

Sincerely,



Dana Shaffer  
Vice President, Regulatory Counsel

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

IN RE: In the Matter of Petition Of Tennessee )  
UNE-P Coalition To Open Contested Case )  
Proceeding To Declare Unbundled Switching ) Docket No. 02-00207  
An Unrestricted Unbundled Network Element )

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**OBJECTIONS OF XO TENNESSEE, INC. TO DATA REQUESTS OF  
BELLSOUTH TELECOMMUNICATIONS, INC.**

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XO Tennessee, Inc. ("XO") has been served with discovery by BellSouth Telecommunications, Inc. ("BellSouth") in the above-captioned proceeding. XO objects to the discovery for the following reasons:

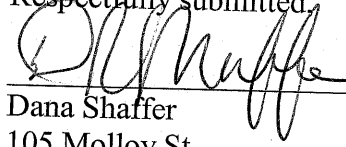
1. XO is not a party to this proceeding and is therefore not subject to discovery by BellSouth or any other party.
2. The information requested by BellSouth is highly confidential. As a non-party, XO has not signed, or been asked to sign, a proprietary agreement to protect this information. Any such agreement signed by the parties to this proceeding would not apply to XO.
3. While XO recognizes that the Tennessee Regulatory Authority ("TRA") has the statutory power to collect such information from regulated carriers as the agency requires to carry out its statutory duties, this statutory power cannot be delegated to a private party.<sup>1</sup>

For these reasons, XO objects to all of the discovery requests submitted by BellSouth in the above-captioned proceeding.

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<sup>1</sup> This request for information might appropriately be propounded by TRA, if the request was for information needed by the agency to perform its statutory duties, and an appropriate protective order were in place to assure that any confidential information obtained by the agency would not be shared with competing carriers.

Respectfully submitted,



Dana Shaffer

105 Molloy St.

Nashville, TN 37201

(615) 777-7770

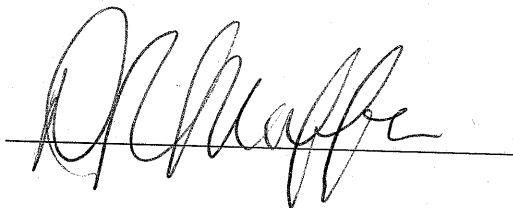
Counsel for XO Tennessee, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 5<sup>th</sup> day of June, 2002.

Joelle Phillips, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300

Charles B. Welch, Esq.  
Farris, Mathews, et al.  
618 Church Street  
Suite 300  
Nashville, TN 37219

A handwritten signature in dark ink, appearing to read "R. C. Maffei", is written over a horizontal line.